IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.10190 OF 2004

M/s.Mukul Enterprises & others).. Petitioners

Versus

Gilroy Sabastian Jacinto & others).. Respondents

Mr.Rajendra Sorankar for the Petitioners.

Mr.K.A. Sampat i/b.K.A.Sampat & Co. for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 10TH AUGUST 2005

P.C.:

. The Petition challenges the order dated 23rd July 2004 passed by the Small Causes Court at Mumbai in Interim Notice No.150 of 2004 taken out by the Petitioners who are the Defendants before the trial Court. There was a delay in filing the Written Statement and hence the Petitioners have taken out the Interim Notice for acceptance of the Written Statement beyond the stipulated time. The trial Court has observed that in view of certain judgments of this Court, the delay cannot be condoned and, therefore, refused to take the Written Statement on record.

2. By consent, the order dated 23rd July 2004 passed

by the Small Causes Court at Mumbai in Interim Notice No.150 of 2004 in RAE Suit No.137/368 of 2003 is set aside. The Written Statement shall be filed and taken on record within two weeks. The Suit has already been expedited. The Suit has been filed on the ground of bona fide requirement. The trial Court should endeavour to complete the trial by 31st December 2005, especially since Petitioner No.2 is a senior citizen.

3. Writ Petition disposed of accordingly.